IN THE HIGH COURT OF UTTANCHAL AT NAINITAL

Writ Petition No. 168 of 2005 (S/B)

S.K. Goyal
Executive Engineer,
Construction Division,
Uttaranchal Pey Jal Nigam,
Uttaranchal Haridwar. …….. Petitioner

Versus

1. State of Uttaranchal,
   through Secretary, Pay Jal Nigam,
   Secretariat, Subhash Road Dehradun.
2. Chairman, Uttaranchal Pay Jal Nigam,
   Secretariat, Subhash Road, Dehradun.
3. Uttaranchal Pay Jal Nigam,
   through its Managing Director,
   Uttaranchal Pay Jal Nigam,
   11 Mohni Road, Dehradun.
4. Managing Director,
   Uttaranchal Pay Jal Nigam,
   11 Mohni Road, Dehradun. ……. Respondents

Mr. S.S. Chauhan, Advocate for the petitioner.

Coram: Hon. Cyriac Joseph, C.J.
Hon. B.C. Kandpal, J.

JUDGMENT

CYRAC JOSEPH, C.J. (Oral)

1. The petitioner who is an Executive Engineer in the Construction Division of Uttaranchal Pey Jal Nigam, Haridwar was transferred to the office of the Chief Engineer, Pauri as Executive Engineer-cum-Personal Assistant as per Annexure 1 order dated 30.07.2005. Challenging the said order of transfer, the petitioner has filed this writ petition. The main ground urged in the writ petition is that the impugned transfer is in violation of the guidelines contained in Annexure 2 dated 05.07.2005 issued by the Government of Uttaranchal.

2. Transfer is an incident of service and in the normal circumstances, the Court will not interfere with an administrative

order passed by the competent authority transferring an employee from one place to another. Even if the transfer is in violation of any general guidelines relating to transfer, the aggrieved person will have to first approach the higher authorities or the Government for redressal of his grievance. It has also been held by this Court in **Arvind Mehrotra Vs State of Uttaranchal and others Writ Petition No. 57 of 2005 (S/B)** that the guidelines for transfer are not justiceable and ordinarily a transfer order cannot be interfered with by the Court on the ground of violation of the guidelines. Hence, this writ petition is not maintainable and is liable to be dismissed.

3. In the above circumstances, the writ petition is dismissed without prejudice to the right of the petitioner to approach the Government for redressal of his grievance.

(B.C. Kandpal, J.) **(Cyriac Joseph, C.J.)**
04.08.2005 **04.08.2005**

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